IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 15915 of 2005

Between:

G. Muneiah S/o. G. Venkataswamy
Presently resident at Yogimallavaram Village Tirchnanur Post
Tirupathi Rural Mandal Chittoor District.

..... PETITIONER

AND

1 The Board of Management Sri Venkateswara University
Tirupathi Chittoor District.
2 Sri Venkateswara University Rep.by its Registrar
Tirupathi Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not considering the representation of the petitioner for appointment to the post of attender as illegal, arbitrary and consequently direct the respondent to consider the case of the petitioner for appointment to the post of Attender as directed in W.P.No.16260/1989 dated 12-7-1999.

Counsel for the Petitioner: MR.S.V.RAMANA

Counsel for the Respondents: MR.P.SREE RAMULU NAIDU SC FOR SVU

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner seeking a direction to the respondent-University to consider the representation of the petitioner for appointment to the post of Attender in terms of the observations made in W.P.No.16260 of 1989 dated 12-07-1999.

2. According to the petitioner, he worked in the respondent-University as a Man-Mazdoor as per the appointment proceedings dated 16-04-1977. Subsequently, he was appointed as NMR on 25-11-1977. He was even promoted to the post of attender by memo dated 25-07-1981. While so, it is claimed that the petitioner fell ill on 15-02-1982 and he made an application for grant of leave up to 12-03-1982 which was extended up to 25-03-1982. However, the petitioner met with an accident on 25-03-1982 and suffered serious injurious, therefore, the respondents removed the petitioner from service on 28-07-1982. Therefore, the petitioner aggrieved by the said action filed W.P.No.16260 of 1989, which was dismissed on 12-07-1999, with an observation that if the petitioner makes an application for fresh appointment, the same may be considered by the University, on merits. Now, the petitioner claims that there is a vacancy of attender in the respondent-University, therefore, his application must be considered for being appointed.

3. Admittedly, the petitioner, as per the age shown in the cause title, is 52 years old. A person with that of age is not at all eligible for being appointed as an attender as a fresh appointee. Though this Court in the earlier writ petition made certain observations, perhaps the Court may not have noticed the age of the petitioner by the date of disposal of the writ petition. As on today admittedly, the petitioner is aged 52 years. Therefore, it is difficult to give a direction in favour of the petitioner directing the respondents to consider the case of the petitioner for being appointed as an attender, as admittedly he is over aged by

many years. In the above circumstances, the writ petition is devoid of merits and the same is liable to be dismissed.

4. Accordingly, the writ petition is dismissed. No order as to costs.

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S.ANANDA REDDY, J

21st July, 2005

SKM

Copy to:

1 The Board of Management, Sri Venkateswara University,
Tirupathi, Chittoor District.
2 The Registrar, Sri Venkateswara University,
Tirupathi, Chittoor District.

3 Two C.D. Copies.